

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RICHARD LEE CANTERBURY,

Plaintiff,

v.

CLARK COUNTY DETENTION CENTER et
al.,

Defendants.

2:17-cv-00212-APG-NJK

ORDER

I. DISCUSSION

On January 23, 2017, Plaintiff, a prisoner in the custody of the Nevada Southern Detention Center, submitted a civil rights complaint pursuant to 42 U.S.C. § 1983. (ECF No. 1-1). Plaintiff did not file an application to proceed *in forma pauperis*. On January 30, 2017, this Court issued an order directing Plaintiff to file a fully complete application to proceed *in forma pauperis* or pay the \$400 filing fee on or before March 1, 2017. (ECF No. 3 at 2). On February 17, 2017, Plaintiff filed a new application to proceed *in forma pauperis*, a motion to amend/correct application to proceed *in forma pauperis*, and a motion for font size. (ECF No. 5, 6, 7). Plaintiff's new application to proceed *in forma pauperis* is also incomplete.¹

¹ In response to this Court's January 30, 2017 order, Plaintiff submitted the first page of this Court's application to proceed *in forma pauperis*. (ECF No. 5). In his motion to amend his application, Plaintiff asserts that the Court should attach this one-page submission to the application to proceed *in forma pauperis* in *Canterbury v. Clark County Detention Center*, 2:17-cv-00211-MMD-NJK. (ECF No. 6).

The Court DENIES the motion to amend. In case 2:17-cv-00211-MMD-NJK, Plaintiff has submitted a complete application to proceed *in forma pauperis*. (ECF No. 7). It is Plaintiff's responsibility to submit an application to proceed *in forma pauperis* in each case in which he seeks *pauperis* status. If Plaintiff wishes to proceed *in forma pauperis* in the above-captioned case, Plaintiff must file a complete application to proceed *in forma pauperis* in this case. The Court will not piecemeal different applications together.

Pursuant to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to proceed *in forma pauperis* and attach both an inmate account statement for the past six months and a properly executed financial certificate. Plaintiff has not submitted an application, a properly executed financial certificate, or an inmate account statement. (See ECF No. 5). As such, the *in forma pauperis* application is denied without prejudice. The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but will not file it until the matter of the payment of the filing fee is resolved. Plaintiff will be granted one final opportunity to cure the deficiencies of his application to proceed *in forma pauperis*, or in the alternative, pay the full filing fee for this action. If Plaintiff chooses to file a new application to proceed *in forma pauperis* he must file a fully complete application to proceed *in forma pauperis*. If Plaintiff files another incomplete application to proceed *in forma pauperis*, the Court will dismiss the case in its entirety, without prejudice, to file a new case when Plaintiff is able to acquire the necessary documents to file a complete application to proceed *in forma pauperis*.

Plaintiff has filed a motion to increase font size. (ECF No. 7 at 1). Plaintiff asks that the Court use size 15 font to correspond with him to help with his "vision handicap." (*Id.*). The Court denies this motion without prejudice at this time. Plaintiff may re-file this motion if his case survives the screening process.

II. CONCLUSION

For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed *in forma pauperis* (ECF No. 5) is DENIED without prejudice to file a new application.

IT IS FURTHER ORDERED that the Clerk of the Court SHALL SEND Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well as the document entitled information and instructions for filing an *in forma pauperis* application.

IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order, Plaintiff shall either: (1) file a fully complete application to proceed *in forma pauperis*, on the correct form with complete financial attachments in compliance with 28 U.S.C. § 1915(a); or (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing fee and the \$50 administrative fee).

1 IT IS FURTHER ORDERED that, if Plaintiff's next application to proceed *in forma*
2 *pauperis* is incomplete, the Court will dismiss the case, without prejudice, for Plaintiff to file a
3 new case when he is able to acquire the necessary documents to file a complete application
4 to proceed *in forma pauperis*.

5 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
6 dismissal of this action may result.

7 IT IS FURTHER ORDERED that Plaintiff's motion to amend application to proceed *in*
8 *forma pauperis* (ECF No. 6) is DENIED.

9 IT IS FURTHER ORDERED that the motion for font size (ECF No. 7) is DENIED without
10 prejudice.

11 IT IS FURTHER ORDERED that the Clerk of the Court shall retain the complaint (ECF
12 No. 1-1), but shall not file it at this time.

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14 DATED: This 3rd day of March, 2017.

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17 NANCY J. KOPPE
18 United States Magistrate Judge
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